

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Petition to Revoke
Probation of:

DAWN PEARL BRITAIN
1931 E. Meats Ave., Space 11
Orange, CA 92865

Registered Nurse License No. 498319

Respondent

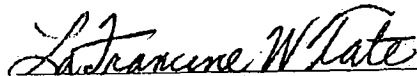
Case No. 2006 - 49

DEFAULT DECISION AND ORDER

The attached Default Decision and Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in the above entitled matter.

This Decision shall become effective on **June 8, 2008.**

IT IS SO ORDERED **May 9, 2008.**



President
Board of Registered Nursing
Department of Consumer Affairs
State of California

1 EDMUND G. BROWN JR., Attorney General
of the State of California
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Deputy Attorney General
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6 Attorneys for Complainant

7
8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Petition to Revoke Probation
Against:

Case No. 2006-49

11 DAWN PEARL BRITAIN
12 1931 E MEATS AVE, TRAILER 11
ORANGE, CA 92865-4016

**DEFAULT DECISION
AND ORDER**

13 Registered Nurse License No. 498319

[Gov. Code, §11520]

14 Respondent.
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17 **FINDINGS OF FACT**

18 1. On or about November 13, 2007, Complainant Ruth Ann Terry, M.P.H.,
19 R.N., in her official capacity as the Executive Officer of the Board of Registered Nursing,
20 Department of Consumer Affairs, filed Petition to Revoke Probation No. 2006-49 against Dawn
21 Pearl Britain (Respondent) before the Board of Registered Nursing.

22 2. On or about March 31, 1994, the Board of Registered Nursing (Board)
23 issued Registered Nurse License No. 498319 to Respondent. The Registered Nurse License was
24 in full force and effect at all times relevant to the charges brought herein and will expire on
25 January 31, 2008, unless renewed.

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1 3. On or about December 21, 2007, Teresa Sutton, an employee of the
2 Department of Justice, served by Certified and First Class Mail a copy of the Petition to Revoke
3 Probation No. 2006-49, Statement to Respondent, Notice of Defense, Request for Discovery, and
4 Government Code sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record
5 with the Board, which was and is:
6 1931 E MEATS AVE, TRAILER 11
7 ORANGE, CA 92865-4016.

8 A copy of the Petition to Revoke Probation is attached as exhibit A, and is incorporated herein by
9 reference.

10 4. Service of the Petition to Revoke Probation was effective as a matter of
11 law under the provisions of Government Code section 11505, subdivision (c).

12 5. Government Code section 11506 states, in pertinent part:

13 (c) The respondent shall be entitled to a hearing on the merits if the
14 respondent files a notice of defense, and the notice shall be deemed a specific
15 denial of all parts of the accusation not expressly admitted. Failure to file a notice
of defense shall constitute a waiver of respondent's right to a hearing, but the
agency in its discretion may nevertheless grant a hearing.

16 6. Respondent failed to file a Notice of Defense within 15 days after service
17 upon her of the Petition to Revoke Probation, and therefore waived her right to a hearing on the
18 merits of Petition to Revoke Probation No. 2006-49.

19 7. California Government Code section 11520 states, in pertinent part:

20 (a) If the respondent either fails to file a notice of defense or to appear at
21 the hearing, the agency may take action based upon the respondent's express
22 admissions or upon other evidence and affidavits may be used as evidence without
any notice to respondent.

23 8. Pursuant to its authority under Government Code section 11520, the Board
24 finds Respondent is in default. The Board will take action without further hearing and, based on
25 the evidence on file herein, finds that the allegations in Petition to Revoke Probation No.
26 2006-49 are true.

27 9. The total cost for investigation and enforcement in connection with the Petition
28 to Revoke Probation is \$5,154.50 as of February 25, 2008.

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- a. **Probationary Condition 2 - Comply with the Board's Probation Program.** Respondent is required to fully comply with the conditions of the Probation Program established by the Board and cooperate with representatives of the Board in its monitoring and investigation of the Respondent's compliance with the Board's Probation Program.

- c. **Probationary Condition 17 - Submit to Tests and Samples.**
- Respondent's probation is subject to revocation due to Respondent's failure to comply with condition 17 of the Stipulated Settlement and Disciplinary Order, case No. 2006-49, in that Respondent failed to test, give samples, and call in as scheduled. Respondent failed to meet these conditions by failing to test on seven (7) different dates, as more fully set forth in the Petition to Revoke Probation. Respondent further failed to meet these conditions by failing to call on fifty-eight (58) separate dates, as more fully set forth in the Petition to Revoke Probation.

IT IS SO ORDERED that Registered Nurse License No. 498319, heretofore issued to Respondent Dawn Pearl Britain, is revoked.

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1 Pursuant to Government Code section 11520, subdivision (c), Respondent may
2 serve a written motion requesting that the Decision be vacated and stating the grounds relied on
3 within seven (7) days after service of the Decision on Respondent. The agency in its discretion
4 may vacate the Decision and grant a hearing on a showing of good cause, as defined in the
5 statute.

6 This Decision shall become effective on JUNE 8, 2008.

7 It is so ORDERED MAY 9, 2008

8 *LaTranene W Tate*

9
10 FOR THE BOARD OF REGISTERED NURSING
11 DEPARTMENT OF CONSUMER AFFAIRS

12 60274472.wpd

13 DOJ docket number: LA2007600914

14 Attachment:

15 Exhibit A: Petition to Revoke Probation No.2006-49
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Exhibit A

Petition to Revoke Probation No. 2006-49

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 GREGORY J. SALUTE
Supervising Deputy Attorney General
3 ALVARO MEJIA, State Bar No. 216956
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6 Attorneys for Complainant

7
8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Petition to Revoke Probation
13 Against:

Case No. 2006-49

14 DAWN PEARL BRITAIN
15 1931 E. Meats Ave, Trailer # 11
16 Orange, CA 92865-4016

**PETITION TO REVOKE
PROBATION**

17 Registered Nurse License No. 498319

18 Respondent.

19 Complainant alleges:

20 PARTIES

21 1. RUTH ANN TERRY, M.P.H., R.N., (Complainant) brings this Petition to
22 Revoke Probation solely in her official capacity as the Executive Director of the Board of
23 Registered Nursing, Department of Consumer Affairs.

24 2. On or about March 31, 1994, the Board of Registered Nursing issued
25 Registered Nurse License No. 498319 to Dawn Pearl Britain ("Respondent"). The Registered
26 Nurse License was in effect at all times relevant to the charges brought herein and will expire on
27 January 31, 2008, unless renewed.

28 3. In a disciplinary action entitled "In the Accusation Against Dawn Pearl
Blood Britain," Case No. 2006-49, the Board of Registered Nursing, issued a decision, effective
August 28, 2006, in which Respondent's Registered Nurse License was revoked. However, the

1 revocation was stayed and Respondent's license was placed on probation for a period of three (3)
2 years with certain terms and conditions. A copy of that decision is attached as Exhibit A and is
3 incorporated by reference.

4 JURISDICTION

5 4. This Petition to Revoke Probation is brought before the Board of Registered
6 Nursing ("Board"), Department of Consumer Affairs, under the authority of the following laws.
7 All section references are to the Business and Professions Code unless otherwise indicated.

8 5. Section 2750 of the Business and Professions Code ("Code") provides, in
9 pertinent part, "Every certificate holder or licensee, including licensees holding temporary
10 licenses, or licensees holding licenses placed on an inactive status, may be disciplined as
11 provided in this article..."

12 TERMS AND CONDITIONS OF PROBATION

13 6. Probationary Condition 2 provides, in pertinent part:

14 **Comply with the Board's Probation Program.** Respondent shall fully comply
15 with the conditions of the Probation Program established by the Board and cooperate with
16 representatives of the Board in its monitoring and investigation of the Respondent's compliance
17 with the Board's Probation Program. Upon successful completion of probation, Respondent's
18 license shall be fully restored.

19 7. Probationary Condition 16 provides, in pertinent part:

20 **Abstain from Use of Psychotropic (Mood-Altering) Drugs or Alcohol.**

21 Respondent shall completely abstain from the possession, injection or consumption by any route
22 of all controlled substances and all psychotropic (mood altering) drugs, including alcohol, except
23 when the same are ordered by a health care professional legally authorized to do so as part of
24 documented medical treatment.

25 8. Probationary Condition 17 provides, in pertinent part:

26 **Submit to Tests and Samples.** Respondent, at her expense, shall participate in a
27 random, biological fluid testing or a drug screening program which the Board approves. The
28 length of time and frequency will be subject to approval by the Board.

...

In addition, Respondent, at any time during the period of probation, shall fully cooperate with the Board or any of its representatives, and shall, when requested, submit to such tests and samples as the Board or its representatives may require for the detection of alcohol, narcotics, hypnotics, dangerous drugs, or other controlled substances.

If Respondent has a positive drug screen for any substance not legally authorized and not reported to the coordinating physician, nurse practitioner, or physician assistant, and the Board files a petition to revoke probation or an accusation, the Board may suspend Respondent from practice pending the final decision on the petition to revoke probation or the accusation. This period of suspension will not apply to the reduction of this probationary time period.

If Respondent fails to participate in a random, biological fluid testing or drug screening program within the specified time frame, Respondent shall immediately cease practice and shall not resume practice until notified by the Board. After taking into account documented evidence of mitigation, if the Board files a petition to revoke probation or an accusation, the Board may suspend Respondent from practice pending the final decision on the petition to revoke probation or the accusation. This period of suspension will not apply to the reduction of this probationary time period.

FIRST CAUSE TO REVOKE PROBATION

(Abstain from Use of (Mood-Altering) Drugs or Alcohol)

9. Respondent's probation is subject to revocation due to Respondent's failure to comply with condition 16 of the Stipulated Settlement and Disciplinary Order, case No. 2006-49, in that Respondent failed to abstain from the use of drugs or alcohol by testing positive for alcohol on April 11, 2007.

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SECOND CAUSE TO REVOKE PROBATION

(Failure to Test and Submit Samples)

10. Respondent's probation is subject to revocation due to Respondent's failure to comply with condition 17 of the Stipulated Settlement and Disciplinary Order, case No. 2006-49, in that Respondent failed to test, give samples, and call in as scheduled. Respondent failed to meet these conditions by failing to test and call on scheduled dates as follows:

Dates Respondent Failed to Test

07/06/2007	09/14/2007
08/17/2007	09/19/2007
08/29/2007	09/28/2007
09/04/2007	

Dates Respondent Failed to Call

02/16/2007	02/19/2007	02/20/2007	02/26/2007	03/23/2007
04/02/2007	05/04/2007	05/07/2007	05/09/2007	05/10/2007
05/11/2007	05/14/2007	05/15/2007	05/16/2007	05/17/2007
05/22/2007	05/24/2007	05/30/2007	06/04/2007	06/5/2007
06/6/2007	06/07/2007	06/08/2007	06/12/2007	06/13/2007
06/14/2007	06/15/2007	06/18/2007	06/19/2007	07/04/2007
07/06/2007	07/09/2007	07/18/2007	07/19/2007	07/23/2007
07/25/2007	07/26/2007	07/27/2007	07/31/2007	08/07/2007
08/15/2007	08/16/2007	08/22/2007	8/28-31/2007	09/06/2007
09/07/2007	9/13-14/2007	9/20-21/2007	9/24-28/2007	

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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Terminating the probation granted Respondent pursuant to the Stipulated Settlement and Disciplinary Order in Case No. 2006-49 and revoking Registered Nurse License No. 498319 issued to Dawn Pearl Britain;

2. To Take such other and further action as deemed necessary and proper.

DATED: 11/13/07


RUTH ANN TERRY, M.P.H., R.N.
Executive Director
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

LA2007600914

Exhibit A

Decision and Order

Board of Registered Nursing Case No. : 2006-49

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

DAWN PEARL BRITAIN
1030 E. Ocean Blvd, #707
Long Beach, CA 90802

Registered Nurse License No. 498319

Respondent

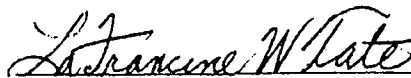
Case No. 2006-49

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as it's Decision in the above entitled matter.

This Decision shall become effective on August 28, 2006.

IT IS SO ORDERED July 28, 2006.



President
Board of Registered Nursing
Department of Consumer Affairs
State of California

1 BILL LOCKYER, Attorney General
of the State of California
2 T. MICHELLE LAIRD, State Bar No. 162979
Deputy Attorney General
3 California Department of Justice
110 West "A" Street, Suite 1100
4 San Diego, CA 92101

5 P.O. Box 85266
San Diego, CA 92186-5266
6 Telephone: (619) 645-2323
Facsimile: (619) 645-2061

7 Attorneys for Complainant
8
9

10 **BEFORE THE**
11 **BOARD OF REGISTERED NURSING**
12 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

13 In the Matter of the Accusation Against:

Accusation No. 2006-49

14 **DAWN PEARL BRITAIN**

OAH No. 2006-040093

15 1030 E. Ocean Blvd. Apt. #707
16 Long Beach, CA 90802

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

17 RN License No. 498319

18 Respondent.
19

20
21 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the
22 above-entitled proceedings that the following matters are true:

23 **PARTIES**

24 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) is the Executive Officer of
25 the Board of Registered Nursing. Complainant brought this action solely in her official capacity
26 and is represented in this matter by Bill Lockyer, Attorney General of the State of California, by
27 T. Michelle Laird, Deputy Attorney General.

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2. Respondent, Dawn Pearl Britain, (Respondent) is representing herself in this proceeding and has chosen not to exercise her right to be represented by counsel.

3. On or about March 31, 1994, the Board of Registered Nursing issued RN License No. 498319 to Dawn Pearl Britain. The RN License was in full force and effect at all times relevant to the charges brought in Accusation No. 2006-49 and will expire on January 31, 2008, unless renewed.

JURISDICTION

4. Accusation No. 2006-49 was filed before the Board of Registered Nursing and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on February 27, 2006. Respondent timely filed her Notice of Defense contesting Accusation No. 2006-49. A copy of Accusation No. 2006-49 is attached as Exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, and understands the charges and allegations in Accusation No. 2006-49. Respondent has also carefully read, and understands the effects of this Stipulated Settlement and Disciplinary Order.

6. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel at her own expense; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

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1 CULPABILITY

2 8. Respondent admits the truth of each and every charge and allegation in
3 Accusation No. 2006-49.

4 9. Respondent agrees that her RN license is subject to discipline and she
5 agrees to be bound by the Board of Registered Nursing's imposition of discipline as set forth in
6 the Disciplinary Order below.

7 CONTINGENCY

8 10. The parties understand and agree that facsimile copies of this Stipulated
9 Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same
10 force and effect as the originals.

11 11. In consideration of the foregoing admissions and stipulations, the parties
12 agree that the Board of Registered Nursing may, without further notice or formal proceeding,
13 issue and enter the following Disciplinary Order:

14 DISCIPLINARY ORDER

15 IT IS HEREBY ORDERED that RN License No. 498319 issued to Respondent
16 Dawn Pearl Britain is revoked. However, the revocation is stayed and Respondent is placed on
17 probation for three (3) years on the following terms and conditions.

18 **Severability Clause.** Each condition of probation contained herein is a separate
19 and distinct condition. If any condition of this Order, or any application thereof, is declared
20 unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other
21 applications thereof, shall not be affected. Each condition of this Order shall separately be valid
22 and enforceable to the fullest extent permitted by law.

23 1. **Obey All Laws.** Respondent shall obey all federal, state and local laws.
24 A full and detailed account of any and all violations of law shall be reported by Respondent to
25 the Board in writing within seventy-two (72) hours of occurrence. To permit monitoring of
26 compliance with this condition, Respondent shall submit completed fingerprint forms and
27 fingerprint fees within 45 days of the effective date of the decision, unless previously submitted
28 as part of the licensure application process.

1 **Criminal Court Orders:** If Respondent is under criminal court orders,
2 including probation or parole, and the order is violated, this shall be deemed a violation of these
3 probation conditions, and may result in the filing of an accusation and/or petition to revoke
4 probation.

5 2. **Comply with the Board's Probation Program.** Respondent shall fully
6 comply with the conditions of the Probation Program established by the Board and cooperate
7 with representatives of the Board in its monitoring and investigation of the Respondent's
8 compliance with the Board's Probation Program. Respondent shall inform the Board in writing
9 within no more than 15 days of any address change and shall at all times maintain an active,
10 current license status with the Board, including during any period of suspension.

11 Upon successful completion of probation, Respondent's license shall be fully
12 restored.

13 3. **Report in Person.** Respondent, during the period of probation, shall
14 appear in person at interviews/meetings as directed by the Board or its designated
15 representatives.

16 4. **Residency, Practice, or Licensure Outside of State.** Periods of
17 residency or practice as a registered nurse outside of California shall not apply toward a reduction
18 of this probation time period. Respondent's probation is tolled, if and when she resides outside
19 of California. Respondent must provide written notice to the Board within 15 days of any change
20 of residency or practice outside the state, and within 30 days prior to re-establishing residency or
21 returning to practice in this state.

22 Respondent shall provide a list of all states and territories where she has ever been
23 licensed as a registered nurse, vocational nurse, or practical nurse. Respondent shall further
24 provide information regarding the status of each license and any changes in such license status
25 during the term of probation. Respondent shall inform the Board if she applies for or obtains a
26 new nursing license during the term of probation.

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1 5. **Submit Written Reports.** Respondent, during the period of probation,
2 shall submit or cause to be submitted such written reports/declarations and verification of actions
3 under penalty of perjury, as required by the Board. These reports/declarations shall contain
4 statements relative to Respondent's compliance with all the conditions of the Board's Probation
5 Program. Respondent shall immediately execute all release of information forms as may be
6 required by the Board or its representatives.

7 Respondent shall provide a copy of this Decision to the nursing regulatory agency
8 in every state and territory in which she has a registered nurse license.

9 6. **Function as a Registered Nurse.** Respondent, during the period of
10 probation, shall engage in the practice of registered nursing in California for a minimum of 24
11 hours per week for 6 consecutive months or as determined by the Board.

12 For purposes of compliance with the section, "engage in the practice of registered
13 nursing" may include, when approved by the Board, volunteer work as a registered nurse, or
14 work in any non-direct patient care position that requires licensure as a registered nurse.

15 The Board may require that advanced practice nurses engage in advanced practice
16 nursing for a minimum of 24 hours per week for 6 consecutive months or as determined by the
17 Board.

18 If Respondent has not complied with this condition during the probationary term,
19 and Respondent has presented sufficient documentation of her good faith efforts to comply with
20 this condition, and if no other conditions have been violated, the Board, in its discretion, may
21 grant an extension of Respondent's probation period up to one year without further hearing in
22 order to comply with this condition. During the one year extension, all original conditions of
23 probation shall apply.

24 7. **Employment Approval and Reporting Requirements.** Respondent
25 shall obtain prior approval from the Board before commencing or continuing any employment,
26 paid or voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all
27 performance evaluations and other employment related reports as a registered nurse upon request
28 of the Board.

Respondent shall provide a copy of this Decision to her employer and immediate supervisors at HRN Services, Inc. Nurses' Registry and at Long Beach Memorial Medical Center prior to commencement of any nursing or other health care related employment.

In addition to the above, Respondent shall notify the Board in writing within seventy-two (72) hours after she obtains any nursing or other health care related employment. Respondent shall notify the Board in writing within seventy-two (72) hours after she is terminated or separated, regardless of cause, from any nursing, or other health care related employment with a full explanation of the circumstances surrounding the termination or separation.

8. **Supervision.** Respondent shall obtain prior approval from the Board regarding Respondent's level of supervision and/or collaboration before commencing or continuing any employment as a registered nurse, or education and training that includes patient care.

Respondent shall practice only under the direct supervision of a registered nurse in good standing (no current discipline) with the Board of Registered Nursing, at Long Beach Memorial Medical Center in the Medical-Surgical Unit on the fifth floor, unless alternative methods of supervision and/or collaboration (e.g., with an advanced practice nurse or physician) are approved.

Respondent's level of supervision and/or collaboration may include, but is not limited to the following:

(a) Maximum - The individual providing supervision and/or collaboration is present in the patient care area or in any other work setting at all times.

(b) Moderate - The individual providing supervision and/or collaboration is in the patient care unit or in any other work setting at least half the hours Respondent works.

(c) Minimum - The individual providing supervision and/or collaboration has person-to-person communication with Respondent at least twice during each shift worked.

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1 (d) Home Health Care - If Respondent is approved to work in the home health
2 care setting, the individual providing supervision and/or collaboration shall have person-to-
3 person communication with Respondent as required by the Board each work day. Respondent
4 shall maintain telephone or other telecommunication contact with the individual providing
5 supervision and/or collaboration as required by the Board during each work day. The individual
6 providing supervision and/or collaboration shall conduct, as required by the Board, periodic, on-
7 site visits to patients' homes visited by Respondent with or without Respondent present.

8 9. **Employment Limitations.** Respondent shall work through HRN
9 Services, Inc. Nurses' Registry where she is currently employed, and through that registry she
10 will work solely at Long Beach Memorial Medical Center, located at 2801 Atlantic Avenue,
11 Long Beach, CA 90806, telephone number (562) 933-2000, and only in the Medical-Surgical
12 Unit on the fifth floor. Respondent shall not work for any other registry or any other placement
13 through that registry. Respondent's employment at any location other than at Long Beach
14 Memorial Medical Center in the Medical-Surgical Unit on the fifth floor shall constitute a
15 violation of probation.

16 Respondent shall not work in any private duty position as a registered nurse, a
17 temporary nurse placement agency, as a traveling nurse or for an in-house nursing pool.

18 Respondent shall not work for a licensed home health agency as a visiting nurse
19 unless the registered nursing supervision and other protections for home visits have been
20 approved by the Board. Respondent shall not work in any other registered nursing occupation
21 where home visits are required.

22 Respondent shall not work in any health care setting as a supervisor of registered
23 nurses. The Board may additionally restrict Respondent from supervising licensed vocational
24 nurses and/or unlicensed assistive personnel on a case-by-case basis.

25 Respondent shall not work as a faculty member in an approved school of nursing
26 or as an instructor in a Board approved continuing education program.

27 Respondent shall work only on a regularly assigned, identified and predetermined
28 worksite(s) and shall not work in a float capacity.

1 If Respondent is working or intends to work in excess of 40 hours per week, the
2 Board may request documentation to determine whether there should be restrictions on the hours
3 of work.

4 10. **Complete a Nursing Course(s).** Respondent, at her own expense, shall
5 enroll and successfully complete a course(s) relevant to the practice of registered nursing no later
6 than six months prior to the end of her probationary term.

7 Respondent shall obtain prior approval from the Board before enrolling in the
8 course(s). Respondent shall submit to the Board the original transcripts or certificates of
9 completion for the above required course(s). The Board shall return the original documents to
10 Respondent after photocopying them for its records.

11 11. **Cost Recovery.** Respondent shall pay to the Board costs associated with
12 its investigation and enforcement pursuant to Business and Professions Code section 125.3 in the
13 amount of \$5,154.50. Respondent shall be permitted to pay these costs in a payment plan
14 approved by the Board, with payments to be completed no later than three months prior to the
15 end of the probation term.

16 If Respondent has not complied with this condition during the probationary term,
17 and Respondent has presented sufficient documentation of her good faith efforts to comply with
18 this condition, and if no other conditions have been violated, the Board, in its discretion, may
19 grant an extension of Respondent's probation period up to one year without further hearing in
20 order to comply with this condition. During the one year extension, all original conditions of
21 probation will apply.

22 12. **Violation of Probation.** If Respondent violates the conditions of her
23 probation, the Board after giving Respondent notice and an opportunity to be heard, may set
24 aside the stay order and impose the stayed discipline (revocation) of Respondent's license.

25 If during the period of probation, an accusation or petition to revoke probation has
26 been filed against Respondent's license or the Attorney General's Office has been requested to
27 prepare an accusation or petition to revoke probation against Respondent's license, the
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1 probationary period shall automatically be extended and shall not expire until the accusation or
2 petition has been acted upon by the Board.

3 13. **License Surrender.** During Respondent's term of probation, if she ceases
4 practicing due to retirement, health reasons or is otherwise unable to satisfy the conditions of
5 probation, Respondent may surrender her license to the Board. The Board reserves the right to
6 evaluate Respondent's request and to exercise its discretion whether to grant the request, or to
7 take any other action deemed appropriate and reasonable under the circumstances, without
8 further hearing. Upon formal acceptance of the tendered license and wall certificate, Respondent
9 will no longer be subject to the conditions of probation.

10 Surrender of Respondent's license shall be considered a disciplinary action and
11 shall become a part of Respondent's license history with the Board. A registered nurse whose
12 license has been surrendered may petition the Board for reinstatement no sooner than the
13 following minimum periods from the effective date of the disciplinary decision:

14 (1) Two years for reinstatement of a license that was surrendered for any
15 reason other than a mental or physical illness; or

16 (2) One year for a license surrendered for a mental or physical illness.

17 14. **Physical Examination.** Within 45 days of the effective date of this
18 Decision, Respondent, at her expense, shall have a licensed physician, nurse practitioner, or
19 physician assistant, who is approved by the Board before the assessment is performed, submit an
20 assessment of the Respondent's physical condition and capability to perform the duties of a
21 registered nurse. Such an assessment shall be submitted in a format acceptable to the Board. If
22 medically determined, a recommended treatment program will be instituted and followed by the
23 Respondent with the physician, nurse practitioner, or physician assistant providing written
24 reports to the Board on forms provided by the Board.

25 If Respondent is determined to be unable to practice safely as a registered nurse,
26 the licensed physician, nurse practitioner, or physician assistant making this determination shall
27 immediately notify the Board and Respondent by telephone, and the Board shall request that the
28 Attorney General's office prepare an accusation or petition to revoke probation. Respondent

1 shall immediately cease practice and shall not resume practice until notified by the Board.
2 During this period of suspension, Respondent shall not engage in any practice for which a license
3 issued by the Board is required until the Board has notified Respondent that a medical
4 determination permits Respondent to resume practice. This period of suspension will not apply
5 to the reduction of this probationary time period.

6 If Respondent fails to have the above assessment submitted to the Board within
7 the 45-day requirement, Respondent shall immediately cease practice and shall not resume
8 practice until notified by the Board. This period of suspension will not apply to the reduction of
9 this probationary time period. The Board may waive or postpone this suspension only if
10 significant, documented evidence of mitigation is provided. Such evidence must establish good
11 faith efforts by Respondent to obtain the assessment, and a specific date for compliance must be
12 provided. Only one such waiver or extension may be permitted.

13 15. **Participate in Treatment/Rehabilitation Program for Chemical**
14 **Dependence.** Respondent, at her expense, shall successfully complete during the probationary
15 period or shall have successfully completed prior to commencement of probation a Board-
16 approved treatment/rehabilitation program of at least six months duration. As required, reports
17 shall be submitted by the program on forms provided by the Board. If Respondent has not
18 completed a Board-approved treatment/rehabilitation program prior to commencement of
19 probation, Respondent, within 45 days from the effective date of the decision, shall be enrolled in
20 a program. If a program is not successfully completed within the first nine months of probation,
21 the Board shall consider Respondent in violation of probation.

22 Based on Board recommendation, each week Respondent shall be required to
23 attend at least one, but no more than five 12-step recovery meetings or equivalent (e.g., Narcotics
24 Anonymous, Alcoholics Anonymous, etc.) and a nurse support group as approved and directed
25 by the Board. If a nurse support group is not available, an additional 12-step meeting or
26 equivalent shall be added. Respondent shall submit dated and signed documentation confirming
27 such attendance to the Board during the entire period of probation. Respondent shall continue
28

1 with the recovery plan recommended by the treatment/rehabilitation program or a licensed
2 mental health examiner and/or other ongoing recovery groups.

3 16. **Abstain from Use of Psychotropic (Mood-Altering) Drugs.** Respondent
4 shall completely abstain from the possession, injection or consumption by any route of all
5 controlled substances and all psychotropic (mood altering) drugs, including alcohol, except when
6 the same are ordered by a health care professional legally authorized to do so as part of
7 documented medical treatment. Respondent shall have sent to the Board, in writing and within
8 fourteen (14) days, by the prescribing health professional, a report identifying the medication,
9 dosage, the date the medication was prescribed, the Respondent's prognosis, the date the
10 medication will no longer be required, and the effect on the recovery plan, if appropriate.

11 Respondent shall identify for the Board a single physician, nurse practitioner or
12 physician assistant who shall be aware of Respondent's history of substance abuse and will
13 coordinate and monitor any prescriptions for Respondent for dangerous drugs, controlled
14 substances or mood-altering drugs. The coordinating physician, nurse practitioner, or physician
15 assistant shall report to the Board on a quarterly basis Respondent's compliance with this
16 condition. If any substances considered addictive have been prescribed, the report shall identify a
17 program for the time limited use of any such substances.

18 The Board may require the single coordinating physician, nurse practitioner, or
19 physician assistant to be a specialist in addictive medicine, or to consult with a specialist in
20 addictive medicine.

21 17. **Submit to Tests and Samples.** Respondent, at her expense, shall
22 participate in a random, biological fluid testing or a drug screening program which the Board
23 approves. The length of time and frequency will be subject to approval by the Board.
24 Respondent is responsible for keeping the Board informed of Respondent's current telephone
25 number at all times. Respondent shall also ensure that messages may be left at the telephone
26 number when she is not available and ensure that reports are submitted directly by the testing
27 agency to the Board, as directed. Any confirmed positive finding shall be reported immediately
28 to the Board by the program and Respondent shall be considered in violation of probation.

1 In addition, Respondent, at any time during the period of probation, shall fully
2 cooperate with the Board or any of its representatives, and shall, when requested, submit to such
3 tests and samples as the Board or its representatives may require for the detection of alcohol,
4 narcotics, hypnotics, dangerous drugs, or other controlled substances.

5 If Respondent has a positive drug screen for any substance not legally authorized
6 and not reported to the coordinating physician, nurse practitioner, or physician assistant, and the
7 Board files a petition to revoke probation or an accusation, the Board may suspend Respondent
8 from practice pending the final decision on the petition to revoke probation or the accusation.
9 This period of suspension will not apply to the reduction of this probationary time period.

10 If Respondent fails to participate in a random, biological fluid testing or drug
11 screening program within the specified time frame, Respondent shall immediately cease practice
12 and shall not resume practice until notified by the Board. After taking into account documented
13 evidence of mitigation, if the Board files a petition to revoke probation or an accusation, the
14 Board may suspend Respondent from practice pending the final decision on the petition to
15 revoke probation or the accusation. This period of suspension will not apply to the reduction of
16 this probationary time period.

17 18. **Mental Health Examination.** Respondent shall, within 45 days of the
18 effective date of this Decision, have a mental health examination including psychological testing
19 as appropriate to determine her capability to perform the duties of a registered nurse. The
20 examination will be performed by a psychiatrist, psychologist or other licensed mental health
21 practitioner approved by the Board. The examining mental health practitioner will submit a
22 written report of that assessment and recommendations to the Board. All costs are the
23 responsibility of Respondent. Recommendations for treatment, therapy or counseling made as a
24 result of the mental health examination will be instituted and followed by Respondent.

25 If Respondent is determined to be unable to practice safely as a registered nurse,
26 the licensed mental health care practitioner making this determination shall immediately notify
27 the Board and Respondent by telephone, and the Board shall request that the Attorney General's
28 office prepare an accusation or petition to revoke probation. Respondent shall immediately cease

1 practice and may not resume practice until notified by the Board. During this period of
2 suspension, Respondent shall not engage in any practice for which a license issued by the Board
3 is required, until the Board has notified Respondent that a mental health determination permits
4 Respondent to resume practice. This period of suspension will not apply to the reduction of this
5 probationary time period.

6 If Respondent fails to have the above assessment submitted to the Board within
7 the 45-day requirement, Respondent shall immediately cease practice and shall not resume
8 practice until notified by the Board. This period of suspension will not apply to the reduction of
9 this probationary time period. The Board may waive or postpone this suspension only if
10 significant, documented evidence of mitigation is provided. Such evidence must establish good
11 faith efforts by Respondent to obtain the assessment, and a specific date for compliance must be
12 provided. Only one such waiver or extension may be permitted.

13 19. **Therapy or Counseling Program.** Respondent, at her expense, shall
14 participate in an on-going counseling program until such time as the Board releases her from this
15 requirement and only upon the recommendation of the counselor. Written progress reports from
16 the counselor will be required at various intervals.

17 **ACCEPTANCE**

18 I have carefully read the Stipulated Settlement and Disciplinary Order. I
19 understand the stipulation and the effect it will have on my RN license. I enter into this
20 Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree
21 to be bound by the Decision and Order of the Board of Registered Nursing.

22 DATED: 5-10-06

23
24 
25 DAWN PEARL BRITAIN
26 Respondent

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ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Registered Nursing.

DATED: May 17, 2006

BILL LOCKYER, Attorney General
of the State of California

T. Michelle Laird

T. MICHELLE LAIRD
Deputy Attorney General

Attorneys for Complainant

DOJ Matter ID: SD2005700315
80071606.3.wpd

Exhibit A

Accusation No. 2006-49

1 BILL LOCKYER, Attorney General
of the State of California
2 T. MICHELLE LAIRD, State Bar No. 162979
Deputy Attorney General
3 California Department of Justice
110 West "A" Street, Suite 1100
4 San Diego, CA 92101
P.O. Box 85266
5 San Diego, CA 92186-5266
6 Telephone: (619) 645-2323
Facsimile: (619) 645-2061
7

8 Attorneys for Complainant

9
10 **BEFORE THE**
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2006-49

13 **DAWN PEARL BRITAIN**
14 14543 Woodruff Ave.
Bellflower, CA 90706

OAH No.

A C C U S A T I O N

15 Registered Nurse License No. 498319

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

20 1. Ruth Ann Terry, M.P.H., R.N. ("Complainant") brings this Accusation
21 solely in her official capacity as the Executive Officer of the Board of Registered Nursing,
22 Department of Consumer Affairs.

23 2. On or about March 31, 1994, the Board of Registered Nursing issued
24 Registered Nurse License Number 498319 to Dawn Pearl Britain ("Respondent"). The license
25 was in full force and effect at all times relevant to the charges brought herein and will expire on
26 January 31, 2006, unless renewed.

27 ///

1 BILL LOCKYER, Attorney General
of the State of California
2 T. MICHELLE LAIRD, State Bar No. 162979
Deputy Attorney General
3 California Department of Justice
110 West "A" Street, Suite 1100
4 San Diego, CA 92101
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8 Attorneys for Complainant

9
10 **BEFORE THE**
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

13 DAWN PEARL BRITAIN
388 Hidden Lake Lane
14 Vista, CA 92084

15 Registered Nurse License No. 498319

16 Respondent.
17

Case No. 2006-49

OAH No.

A C C U S A T I O N

18 Complainant alleges:

19 PARTIES

20 1. Ruth Ann Terry, M.P.H., R.N. ("Complainant") brings this Accusation
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25 was in full force and effect at all times relevant to the charges brought herein and will expire on
26 January 31, 2006, unless renewed.

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1 defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or
2 injurious to himself or herself, any other person, or the public or to the extent that such use
3 impairs his or her ability to conduct with safety to the public the practice authorized by his or her
4 license.

5 "(c) Be convicted of a criminal offense involving the prescription, consumption,
6 or self-administration of any of the substances described in subdivisions (a) and (b) of this
7 section, or the possession of, or falsification of a record pertaining to, the substances described in
8 subdivision (a) of this section, in which event the record of the conviction is conclusive evidence
9 thereof.

10 ". . . ."

11 8. Section 490 of the Code states:

12 "A board may suspend or revoke a license on the ground that the licensee has been
13 convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties
14 of the business or profession for which the license was issued. A conviction within the meaning
15 of this section means a plea or verdict of guilty or a conviction following a plea of nolo
16 contendere. Any action which a board is permitted to take following the establishment of a
17 conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has
18 been affirmed on appeal, or when an order granting probation is made suspending the imposition
19 of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the
20 Penal Code."

21 9. Section 493 of the Code states:

22 "Notwithstanding any other provision of law, in a proceeding conducted by a board
23 within the department pursuant to law to deny an application for a license or to suspend or revoke
24 a license or otherwise take disciplinary action against a person who holds a license, upon the
25 ground that the applicant or the licensee has been convicted of a crime substantially related to the
26 qualifications, functions, and duties of the licensee in question, the record of conviction of the
27 crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact,
28 and the board may inquire into the circumstances surrounding the commission of the crime in

1 order to fix the degree of discipline or to determine if the conviction is substantially related to the
2 qualifications, functions, and duties of the licensee in question.

3 "As used in this section, 'license' includes 'certificate,' 'permit,' 'authority,' and
4 'registration.'"

5 10. Section 125.3 of the Code provides, in pertinent part, that the Board may
6 request the administrative law judge to direct a licensee found to have committed a violation or
7 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
8 and enforcement of the case.

9 11. California Code of Regulations, title 16, section 1444, states:

10 "A conviction or act shall be considered to be substantially related to the
11 qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the
12 present or potential unfitness of a registered nurse to practice in a manner consistent with the
13 public health, safety, or welfare. Such convictions or acts shall include but not be limited to the
14 following:

15 ". . . .

16 "(c) Theft, dishonesty, fraud, or deceit."

17 ". . . ."

18 **DUI CONVICTION - JUNE 11, 2003**

19 **FIRST CAUSE FOR DISCIPLINE**

20 (Criminal Conviction of Substantially Related Offense)

21 12. Respondent is subject to disciplinary action under section 490 and 2761(f)
22 in that Respondent has been convicted of a crime which is substantially related to the
23 qualifications, functions and duties of a registered nurse. The circumstances are as follows:

24 13. On or about June 11, 2003, in San Diego County Superior Court, Case No.
25 C224812, entitled *People v. Dawn P. Britain*, Respondent was convicted by the court on her plea
26 of guilty to driving a vehicle while having more than 0.08 percent, by weight, of alcohol in her
27 blood in violation of Vehicle Code section 23152(b) (driving a vehicle with a blood alcohol level
28 of 0.08 percent or more), a misdemeanor.

1 14. On the basis of Respondent's plea described in paragraph 13, Respondent
2 was placed on probation for 5 years on terms and conditions which included payment of
3 approximately \$1550.00 in fines, completion of the First Conviction Program, attendance at
4 MADD meetings, referral to the Substance Abuse Assessment Unit for evaluation, restriction of
5 her driver's license for 90 days, and that Respondent violate no laws regarding driving a motor
6 vehicle while under the influence or in the possession of alcohol, drugs, or both, or drive without
7 a valid license and insurance.

8 15. The circumstances of the crime are that on or about September 8, 2002,
9 Respondent was driving a vehicle while having 0.08 percent or more, by weight, of alcohol in her
10 blood. Respondent was subsequently charged with violating Vehicle Code section 23152(a)
11 (Count 1, driving under the influence of alcohol/drugs) and Vehicle Code section 23152(b)
12 (Count 2, driving a vehicle with a blood alcohol level of 0.08 percent and more).

13 SECOND CAUSE FOR DISCIPLINE

14 (Unprofessional Conduct)

15 16. Respondent is subject to disciplinary action under section 2761(a) and
16 2762(b) on the grounds of unprofessional conduct in that she used alcoholic beverages to an
17 extent or in a manner dangerous or injurious to herself, any other person, or the public, based
18 upon the facts and circumstances set forth in the First Cause for Discipline.

19 THIRD CAUSE FOR DISCIPLINE

20 (Unprofessional Conduct)

21 17. Respondent is subject to disciplinary action under section 2761(a) and
22 2762(c) on the grounds of unprofessional conduct in that she was convicted of a criminal offense
23 involving the prescription, consumption, or self-administration of alcoholic beverages, based
24 upon the facts and circumstances set forth in the First Cause for Discipline.

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1 SHOPLIFTING CONVICTION - APRIL 3, 2003

2 FOURTH CAUSE FOR DISCIPLINE

3 (Criminal Conviction of Substantially Related Offense)

4 18. Respondent is subject to disciplinary action under section 490 and 2761(f),
5 and pursuant to California Code of Regulations, title 16, section 1444, subsection (c), in that
6 Respondent has been convicted of a crime which is substantially related to the qualifications,
7 functions and duties of a registered nurse. The circumstances are as follows:

8 19. On or about April 3, 2003, in San Diego County Superior Court, Case No.
9 CN152024, entitled *People v. Dawn P. Britain*, Respondent was convicted by the court on her
10 plea of guilty to theft (shoplifting), in violation of Penal Code sections 484 (theft) and 490.5
11 (theft of retail merchandise), both misdemeanors.

12 20. On the basis of Respondent's plea described in paragraph 19, Respondent
13 was placed on probation for 3 years on terms and conditions which included payment of
14 approximately \$500.00 in fines, submission of her person, property, place of residence, vehicle
15 and personal effects to search at any time when required by a probation officer or other law
16 enforcement officer, and that Respondent not violate the law (minor traffic violations excepted)
17 and not be in or around the premises of Robinson's-May department store in Carlsbad,
18 California.

19 21. The circumstances of the crime are that on or about October 2, 2002,
20 Respondent stole merchandise from a Robinson's-May department store in Carlsbad, California.
21 Respondent was subsequently charged with violating Penal Code sections 484 (theft) and 490.5
22 (theft of retail merchandise).

23 FIFTH CAUSE FOR DISCIPLINE

24 (Unprofessional Conduct)

25 22. Respondent is subject to disciplinary action under section 2761(a) on the
26 grounds of unprofessional conduct based upon the facts and circumstances set forth in the Fourth
27 Cause for Discipline.

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1 DRIVING WITH A SUSPENDED LICENSE CONVICTION - APRIL 3, 2003

2 SIXTH CAUSE FOR DISCIPLINE

3 (Criminal Conviction of Substantially Related Offense)

4 23. Respondent is subject to disciplinary action under section 490 and 2761(f)
5 in that Respondent has been convicted of a crime which is substantially related to the
6 qualifications, functions and duties of a registered nurse. The circumstances are as follows:

7 24. On or about April 3, 2003, in San Diego County Superior Court, Case No.
8 CN152768, entitled *People v. Dawn P. Britain*, Respondent was convicted by the court on her
9 plea of guilty to driving a vehicle while having a suspended driver's license in violation of
10 Vehicle Code section 14601.1(a) (driving when privilege revoked or suspended), a misdemeanor.

11 25. On the basis of Respondent's plea described in paragraph 24, Respondent
12 was placed on probation for 3 years on terms and conditions which included payment of
13 approximately \$1250.00 in fines, and that Respondent not violate the law (minor traffic
14 violations excepted) and not drive without a valid license and insurance.

15 26. The circumstances of the crime are that on or about October 11, 2002,
16 Respondent was driving a vehicle at a time when her driving privilege was suspended and for
17 driving at a unsafe speed. Respondent was subsequently charged with violating Vehicle Code
18 section 14601.5(a) (Count 1, driving with knowledge of suspension, revocation or restriction of
19 driving privilege under Vehicle Code section 13353, 13353.1 and 13353.2) and Vehicle Code
20 section 22350 (Count 2, driving at an unsafe speed, to wit: 66 mph in a 35 mph zone).

21 SEVENTH CAUSE FOR DISCIPLINE

22 (Unprofessional Conduct)

23 27. Respondent is subject to disciplinary action under section 2761(a) on the
24 grounds of unprofessional conduct based upon the facts and circumstances set forth in the Sixth
25 Cause for Discipline.

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1 DRIVING WITHOUT A VALID LICENSE CONVICTION - MAY 25, 2004

2 EIGHTH CAUSE FOR DISCIPLINE

3 (Criminal Conviction of Substantially Related Offense)

4 28. Respondent is subject to disciplinary action under section 490 and 2761(f)
5 in that Respondent has been convicted of a crime which is substantially related to the
6 qualifications, functions and duties of a registered nurse. The circumstances are as follows:

7 29. On or about May 25, 2004, in San Diego County Superior Court, Case No.
8 CN164403, entitled *People v. Dawn Pearl Britain*, Respondent was convicted by the court on her
9 plea of guilty to driving a vehicle without a valid driver's license in violation of Vehicle Code
10 section 12500(a) (persons may not drive a motor vehicle without a valid driver's license), a
11 misdemeanor.

12 30. On the basis of Respondent's plea described in paragraph 29, Respondent
13 was placed on probation for 3 years on terms and conditions which included payment of
14 approximately \$650.00 in fines, and that Respondent not violate the law (minor traffic violations
15 excepted) and not drive without a valid license and insurance.

16 31. The circumstances of the crime are that on or about May 30, 2003,
17 Respondent was driving a vehicle at a time when her driving privilege was suspended and for
18 driving at an unsafe speed. Respondent was subsequently charged with violating Vehicle Code
19 section 14601.2(a) (Count 1, driving with knowledge of suspension, revocation or restriction of
20 driving privilege for prior DUI, with prior conviction for driving with a suspended, revoked or
21 restricted license) and Vehicle Code section 22350 (Count 2, driving at an unsafe speed, to wit:
22 65 mph in a 40 mph zone).

23 NINTH CAUSE FOR DISCIPLINE

24 (Unprofessional Conduct)

25 32. Respondent is subject to disciplinary action under section 2761(a) on the
26 grounds of unprofessional conduct based upon the facts and circumstances set forth in the Eighth
27 Cause for Discipline.

28 ///

PRAYER

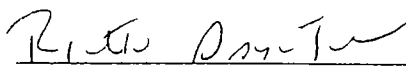
WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending RN Number 498319, issued to Dawn Pearl Britain;

2. Ordering Dawn Pearl Britain to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,

3. Taking such other and further action as deemed necessary and proper.

DATED: 10/17/05


RUTH ANN TERRY, M.P.H., R.N.
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

SD2005700315

70035965.wpd